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CLERK-LAS CRUCES

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,

Plaintiff,

vs.

**MANUEL PINEDA MONTOYA,**

Defendant.

)  
)  
CRIMINAL NO. 23-1105 KG  
)  
)  
Count 1: 21 U.S.C. §§ 841(a)(1) and  
(b)(1)(A): Possession with Intent to  
Distribute 400 Grams and More of  
Fentanyl (N-phenyl-N-[1-(2-phenylethyl)-  
4-piperidinyl] propanamide);  
)  
)  
Count 2: 18 U.S.C. § 924(c)(1)(A)(i):  
Using and Carrying a Firearm During and  
in Relation to a Drug Trafficking Crime,  
and Possessing a Firearm in Furtherance of  
Such Crime;  
)  
)  
Count 3: 18 U.S.C. §§ 922(g)(1) and 924:  
Felon in Possession of a Firearm and  
Ammunition;  
)  
)  
Counts 4 and 6: 21 U.S.C. §§ 841(a)(1)  
and (b)(1)(A): Possession with Intent to  
Distribute 50 Grams and More of  
Methamphetamine;  
)  
)  
Count 5: 21 U.S.C. §§ 841(a)(1) and  
(b)(1)(B): Possession with Intent to  
Distribute 40 Grams and More of Fentanyl  
(N-phenyl-N-[1-(2-phenylethyl)-4-  
piperidinyl] propanamide).

INDICTMENT

The Grand Jury charges:

Count 1

On or about May 7, 2023, in Eddy County, in the District of New Mexico, the defendant,

**MANUEL PINEDA MONTOYA**, unlawfully, knowingly and intentionally possessed with intent  
to distribute a controlled substance, and the offense involved 400 Grams and more of a mixture and

substance containing a detectable amount of fentanyl (N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide).

In violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(A).

Count 2

On or about May 7, 2023, in Eddy County, in the District of New Mexico, the defendant, **MANUEL PINEDA MONTOYA**, during and in relation to a drug trafficking crime for which the defendant may be prosecuted in a court of the United States, specifically, possession with the intent to distribute fentanyl as charged in Count 1 of this indictment, knowingly used and carried a firearm, and in furtherance of such crime, possessed said firearm.

In violation of 18 U.S.C. § 924(c)(1)(A)(i).

Count 3

On or about May 7, 2023, in Eddy County, in the District of New Mexico, the defendant, **MANUEL PINEDA MONTOYA**, knowing that he had been convicted of at least one crime punishable by imprisonment for a term exceeding one year, specifically:

- (1) distribution of methamphetamine,
- (2) possession with intent to distribute methamphetamine, and
- (3) carrying a firearm during and in relation to a drug trafficking crime,

knowingly possessed a firearm and ammunition in and affecting commerce.

In violation of 18 U.S.C. §§ 922(g)(1) and 924.

Count 4

On or about May 11, 2023, in Eddy County, in the District of New Mexico, the defendant, **MANUEL PINEDA MONTOYA**, unlawfully, knowingly and intentionally possessed with intent to distribute a controlled substance, and the offense involved 50 grams and more of methamphetamine.

In violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(A).

Count 5

On or about May 11, 2023, in Eddy County, in the District of New Mexico, the defendant, **MANUEL PINEDA MONTOYA**, unlawfully, knowingly and intentionally possessed with intent to distribute a controlled substance, and the offense involved 40 grams and more of a mixture and substance containing a detectable amount of fentanyl (N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide).

In violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(B).

Count 6

On or about May 15, 2023, in Lincoln County, in the District of New Mexico, the defendant, **MANUEL PINEDA MONTOYA**, unlawfully, knowingly and intentionally possessed with intent to distribute a controlled substance, and the offense involved 50 grams and more of methamphetamine.

In violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(A).

FORFEITURE ALLEGATION

Upon conviction of any offense in violation of 21 U.S.C. § 841, the defendant, **MANUEL PINEDA MONTOYA**, shall forfeit to the United States, pursuant to 21 U.S.C. § 843, any property constituting, or derived from, proceeds obtained, directly or indirectly, as a result of each offense for which the defendant is convicted, and any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of the offense(s) of conviction.

The property to be forfeited to the United States includes, but is not limited to, the following:

- a. approximately \$11,721 of United States Currency;
- b. a Walther P22, .22 LR caliber pistol, serial number L390027;
- c. a Glock 44, .22 LR caliber pistol, serial number AEGC343;

- d. approximately 30 rounds of an assorted make of .22 LR caliber ammunition;
- e. a Jimenez Arms JA 380, .380 AUTO caliber pistol, serial number 269127;
- f. approximately 27 rounds of an assorted make of .380 AUTO caliber ammunition;
- g. approximately 32 rounds of .22 ammunition; and
- h. approximately 23 rounds of 9mm ammunition.

Upon conviction of any offense in violation of 18 U.S.C. §§ 922(g) or 924(c), the defendant,

**MANUEL PINEDA MONTOYA**, shall forfeit to the United States, pursuant to 18 U.S.C. § 924(d) and 28 U.S.C. § 2461(c), any firearms and ammunition involved in the commission of the offense, including, but not limited to:

- a. a Walther P22, .22 LR caliber pistol, serial number L390027;
- b. a Glock 44, .22 LR caliber pistol, serial number AEGC343;
- c. approximately 30 rounds of an assorted make of .22 LR caliber ammunition;
- d. a Jimenez Arms JA 380, .380 AUTO caliber pistol, serial number 269127;
- e. approximately 27 rounds of an assorted make of .380 AUTO caliber ammunition;
- f. approximately 32 rounds of .22 ammunition; and
- g. approximately 23 rounds of 9mm ammunition.

A TRUE BILL:

/s/  
FOREPERSON OF THE GRAND JURY

  
Renee L. Camacho  
Assistant United States Attorney

SMD 6/12/2023